

COPY

(15)

THOMAS A. MARINO
United States Attorney
J. JUSTIN BLEWITT, JR
Assistant U.S. Attorney
311 Wm. J. Nealon Federal Building
Washington & Linden
Scranton, PA 18501
Phone: (570) 348-2800
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

AUG 15 2002

UNITED STATES OF AMERICA,)
Plaintiff) 1:CV-00-0392
)
v.) (Kane, J.O
)
THOMAS A. ECKLEY,)
Defendant.)

PER 4 DEPUTY CLERK

MOTION FOR RULE TO SHOW CAUSE WHY DEFENDANT
SHOULD NOT BE HELD IN CONTEMPT

Comes the United States of America, by and through J. Justin Blewitt, Jr., Assistant United States Attorney, and moves the Court to enter an Order directing THOMAS A. ECKLEY, Defendant, to show cause, if any there be, why he should not be held in contempt of this Court for failure to obey the March 6, 2001 Order pursuant to Federal Rules of Civil Procedure 37 (a) to serve answers to the Plaintiff's written interrogatories.

In support of this Motion the United States of America shows the Court as follows:

On May 15, 2000, Plaintiff, the United States of America, obtained a judgment against THOMAS A. ECKLEY, Defendant herein, in the United States District Court for the Middle District of Pennsylvania, said judgment being in the sum of \$5,507.63 plus interest and costs.

That on March 6, 2001, an Order was issued by United States District Judge Yvette Kane, ordering Defendant to answer plaintiff's written interrogatories within thirty (30) days.

That records of the Court show that a the Motion to Compel and Order were served upon defendant, THOMAS A. ECKLEY, on May 7, 2001, as shown by a copy of the Marshal's return attached hereto.

Defendant continues to fail to provide answer to Plaintiff's interrogatories.

No brief is being filed with this Motion unless otherwise directed by the Court as the reasons have been stated herein.

WHEREFORE, the United States of America prays that an Order be issued by this Court, based upon this Motion, directing THOMAS A. ECKLEY, to appear before this Court, to show cause why he should not be punished for contempt of court pursuant to 18 U.S.C. Sec. 401(3) and 28 U.S.C. Sec. 636(e).

Respectfully submitted,

THOMAS A. MARINO
United States Attorney



J. JUSTIN BLEWITT, JR.,
Assistant U.S. Attorney

Karen M. Musloski
Paralegal Specialist

DATE: 8/8/02

U.S. Department of Justice
United States Marshals Service

PROCESS RETURN AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF

THE UNITED STATES OF AMERICA

COURT CASE NUMBER

1:CV-00-0392

DEFENDANT

THOMAS A. ECKLEY

TYPE OF PROCESS

Order, Motion, Financial Stmt.

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

THOMAS A. ECKLEY

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

12 Boyer Road, Milroy, PA 17063

AT

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Karen M. Musloski
Paralegal Specialist
309 Federal Building
Scranton, PA 18501

Number of process to be served with this Form - 285

3

Number of parties to be served in this case

1

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

PERSONAL SERVICE REQUESTED

Please inform defendant to complete financial Statement and return to US Attorney's Office.

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

570-348-2800

DATE

5/2/01

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin

No. 107

District to Serve

No. 107

Signature of Authorized USMS Deputy or Clerk

Date

5/2/01

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only if different than shown above)

☒ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service Time 1:00 pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges (including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

REMARKS:

NOTE

THOMAS A. MARINO
United States Attorney
J. JUSTIN BLEWITT, JR
Assistant U.S. Attorney
Wm. J. Nealon Federal Building
Washington & Linden
Scranton, PA 18501
Phone: (570) 348-2800
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	1:CV-00-0392
v)	
)	(Kane, J.)
THOMAS A. ECKLEY ,)	
Defendant.)	

CERTIFICATE OF SERVICE BY MAIL

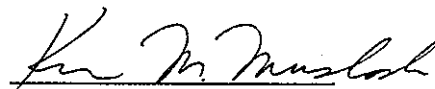
The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on August 15, 2002, she served a copy of the attached:

MOTION

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Scranton, Pennsylvania.

Addressee: THOMAS A. ECKLEY
12 Boyer Road
Milroy, PA 17063


KAREN M. MUSLOSKI
Paralegal Specialist